

House Study Bill 116 - Introduced

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
LABOR AND WORKFORCE BILL BY
CHAIRPERSON DEYOE)

A BILL FOR

1 An Act relating to providing family and medical leave for
2 railroad employees and providing a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 84A.5, subsection 4, Code 2023, is
2 amended to read as follows:

3 4. The division of labor services is responsible for the
4 administration of the laws of this state under [chapters 88,](#)
5 [88A, 88B, 89, 89A, 89B, 90A, 91, 91A, 91C, 91D, 91E, 91F, 92,](#)
6 [and 94A,](#) and [sections 73A.21 and 85.68.](#) The executive head of
7 the division is the labor commissioner, appointed pursuant to
8 section 91.2.

9 Sec. 2. Section 91.4, subsection 2, Code 2023, is amended
10 to read as follows:

11 2. The director of the department of workforce development,
12 in consultation with the labor commissioner, shall, at the
13 time provided by law, make an annual report to the governor
14 setting forth in appropriate form the business and expense of
15 the division of labor services for the preceding year, the
16 number of remedial actions taken under [chapter 89A,](#) the number
17 of disputes or violations processed by the division and the
18 disposition of the disputes or violations, and other matters
19 pertaining to the division which are of public interest,
20 together with recommendations for change or amendment of the
21 laws in [this chapter](#) and [chapters 88, 88A, 88B, 89, 89A, 89B,](#)
22 [90A, 91A, 91C, 91D, 91E, 91F, 92,](#) and [94A,](#) and [section 85.68,](#)
23 and the recommendations, if any, shall be transmitted by the
24 governor to the first general assembly in session after the
25 report is filed.

26 Sec. 3. NEW SECTION. **91F.1 Definitions.**

27 As used in this chapter, unless the context otherwise
28 requires:

29 1. "*Applicable monthly guarantee*" means the minimum number
30 of hours a railroad employer has agreed to pay the employee or
31 the minimum number of hours a railroad employer has agreed to
32 schedule the employee.

33 2. "*Commissioner*" means the labor commissioner, appointed
34 pursuant to section 91.2.

35 3. "*Eligible employee*" means an employee, as defined in

1 section 91A.2, who performs regulated service for a railroad
2 employer, has been employed for at least twelve months by the
3 railroad employer with respect to whom leave is requested,
4 and has worked or been paid for not less than five hundred
5 four hours with such railroad employer during the previous
6 twelve-month period or has worked or been paid for not less
7 than sixty percent of the employee's applicable monthly
8 guarantee.

9 4. "*Parent*" means a biological or adoptive parent of an
10 employee.

11 5. "*Railroad employer*" means an employer, as defined in
12 section 91A.2, that is a railroad which operates any form
13 of nonhighway ground transportation that runs on rails or
14 electromagnetic guideways.

15 6. "*Serious health condition*" means an illness, injury,
16 impairment, or physical or mental condition that involves
17 inpatient care in a hospital, hospice, or residential facility
18 or continuing treatment by a health care provider.

19 7. "*Son or daughter*" means a biological, adopted, or foster
20 child, a stepchild, a legal ward, or a child of a person
21 standing in loco parentis who is under eighteen years of age or
22 is eighteen years of age or older and incapable of self-care
23 because of a mental or physical disability.

24 8. "*Spouse*" means a husband or wife.

25 **Sec. 4. NEW SECTION. 91F.2 Family and medical leave**
26 **authorized.**

27 1. An eligible employee shall be entitled to a total of
28 eighty-four days of leave during any twelve-month period for
29 one or more of the following:

30 a. Because of the birth of a son or daughter of the employee
31 and in order to care for such son or daughter.

32 b. Because of the placement of a son or daughter with the
33 employee for adoption or foster care.

34 c. In order to care for the spouse, or a son, daughter,
35 or parent of the employee, if such spouse, son, daughter, or

1 parent has a serious health condition.

2 *d.* Because of a serious health condition that makes the
3 employee unable to perform the functions of the position of
4 such employee.

5 2. The entitlement to leave under subsection 1, paragraphs
6 "a" and "b", for a birth or placement of a son or daughter shall
7 expire at the end of the twelve-month period beginning on the
8 date of such birth or placement.

9 **Sec. 5. NEW SECTION. 91F.3 Leave requirements.**

10 1. A railroad employer shall not be required to pay an
11 eligible employee for any leave taken pursuant to section
12 91F.2. However, an eligible employee taking a leave permitted
13 by this chapter may elect to substitute for leave allowed under
14 this chapter any of the employee's accrued vacation leave or
15 other accrued time off during this period or any other paid
16 or unpaid time off negotiated with the employer. However, an
17 employee shall not use sick leave during the period of the
18 family and medical leave unless mutually agreed to by the
19 employer and the employee.

20 2. If the employee's need for a leave pursuant to this
21 section is foreseeable, the employee shall provide the railroad
22 employer with reasonable advance notice of the need for the
23 leave.

24 **Sec. 6. NEW SECTION. 91F.4 Penalties — enforcement.**

25 1. It shall be unlawful for a railroad employer to refuse to
26 hire, discharge, fine, suspend, expel, or discriminate against
27 any individual for exercising the individual's rights to take
28 leave pursuant to this chapter.

29 2. An employer who violates this chapter commits a simple
30 misdemeanor.

31 3. The commissioner shall adopt rules pursuant to chapter
32 17A to implement and enforce this chapter.

33

EXPLANATION

34 The inclusion of this explanation does not constitute agreement with
35 the explanation's substance by the members of the general assembly.

1 This bill provides that railroad employees shall be entitled
2 to take leave, including unpaid leave, for up to 84 days in
3 a 12-month period because of a birth or adoption of a son
4 or daughter or because of a serious health condition of the
5 employee or the employee's son or daughter, spouse, or parent.

6 The bill provides definitions for "applicable monthly
7 guarantee", "commissioner", "eligible employee", "parent",
8 "railroad employer", "serious health condition", "son or
9 daughter", and "spouse". An eligible employee is defined as
10 a person employed for at least 12 months by the employer and
11 who has worked or been paid for not less than 504 hours with
12 such employer during the previous 12-month period or has worked
13 or been paid for not less than 60 percent of the employee's
14 applicable monthly guarantee. "Applicable monthly guarantee"
15 is defined as the minimum number of hours a railroad employer
16 has agreed to pay the employee or the minimum number of hours
17 a railroad employer has agreed to schedule the employee. A
18 "railroad employer" is defined as provided in the Code chapter
19 governing wage payment collection as a person who employs a
20 natural person for wages for a railroad.

21 The bill provides for how the leave will be taken, whether
22 paid or unpaid, and that an eligible employee should make
23 an effort to provide advance notice that the leave may be
24 taken. The bill provides that a railroad employer who violates
25 this Code chapter commits a simple misdemeanor. A simple
26 misdemeanor is punishable by confinement for no more than 30
27 days and a fine of at least \$105 but not more than \$855. The
28 bill provides that the labor commissioner shall adopt rules to
29 implement and enforce this new Code chapter.